

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
                                  Plaintiff, )                          4:05CR3032  
                                  )  
                                  v. )  
                                  )  
RICARDO PERALES, SILVANO )                          MEMORANDUM AND ORDER  
MICHEL, JESSICA YVONNE )  
SERVIN, )  
                                  )  
                                  Defendants. )  
                                  )  
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The government has moved to continue the suppression hearing currently scheduled for August 26, 2005. In support of this motion, the government has apprised the court that due to anticipated staffing changes in the Federal Public Defender's Office, a potential conflict of interest exists or is foreseeable with respect to the representation of defendants Perales and Michel. Filing 56.

Upon reviewing the government's motion, I agree that the conflict of interest issue should be addressed and resolved before the suppression hearing is held in this case.

IT THEREFORE HEREBY IS ORDERED:

1. On or before September 2, 2005, counsel for defendants Perales and Michel shall consult with their respective clients herein concerning the conflict of interest issue and shall file a motion to withdraw or, in the alternative, submit a letter to the undersigned, a copy of which shall be provided to counsel for the government, stating why withdrawal is unnecessary or inappropriate.
2. The evidentiary hearing on the motion to suppress, filing 39, is continued pending resolution of the

conflict of interest issues and any appointment of new counsel.

3. The clerk's office shall provide a copy of this order to Federal Public Defender David R. Stickman.

DATED this 24<sup>th</sup> day of August, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge